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February 10, 2012

Via- ECF:

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United States District Court
Southern District of New York
Attn: Honorable Richard J. Holwell
500 Pearl Street
New York, NY 10007

Re: Ava Wilkerson vs. National Railroad Passenger Corp.
Docket No. 1:11-cv-06429-RJH

Dear Honorable Richard J. Holwell,

We are writing this letter to inform the court that as of February 8, 2012, we were informed for the first time via Deputy Clerk William J. Donald that an initial conference had been scheduled in this case for January 6, 2012. We were unaware that any conference had been scheduled for January 6, 2012. We were additionally informed that a subsequent conference was scheduled for February 3, 2012, which resulted in the order dated January 11, 2012. We were also unaware of the subsequent conference of February 3, 2010 and the order dated January 11, 2012 until speaking with Deputy Clerk William J. Donald yesterday afternoon.

Our inability to appear at the January 6, 2012 and February 3, 2012, initial conference has been attributed to the fact that we have not received any ECF email transmission to our e-mail address. According to the ECF department, an incorrect internet provider was submitted in regards to our e-mail address. The correct e-mail address to which we receive e-mails is Bwrightlaw1@yahoo.com, however, the Southern District of New York was sending e-mails to Bwrightlaw1@aol.com which, is not a valid address of ours. I have attached ECF transmission from an Eastern District Court case which is presently being litigated before the Honorable Viktor V. Pohorelsky which shows our E-mail address as Bwrightlaw1@yahoo.com and these e-mails have been submitted since June 13, 2011 through January 30, 2012.

In light of the foregoing and our good faith explanation for not appearing, we would respectfully ask that the court eradicate any basis against the plaintiff in regards to a "failure to prosecute" as that certainly has not been the case. We are correcting our e-mail address and are presently coordinating our efforts with the ECF department. As of yesterday, we contacted defense counsel for the first time, and they communicated that the Court has scheduled a conference for March 6, 2012 at 10:30 a.m. We are working on a proposed scheduled order, submitting Rule 26 disclosure and will be appearing on March 6, 2012. Thank you.

Very truly yours,

Brian P. Wright, Esq.